UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS DIVISION

Order Screening Complaint and Directing Plaintiff to Show Cause	
Defendants.)
,)
DANIEL KEPLER, et al.)
)
V.) No. 1:19-cv-03806-TWP-DML
Plaintiff,)
)
SHAQUILLE HOLLINGSWORTH,)

Plaintiff Shaquille Hollingsworth, an inmate at the Putnamville Correctional Facility, brings this action pursuant to 42 U.S.C. § 1983 alleging defendant Detective Daniel Kepler violated his rights in the course of a criminal investigation and prosecution against him. Because the plaintiff is a "prisoner" as defined by 28 U.S.C. § 1915A(c), this Court has an obligation under 28 U.S.C. § 1915A(a) to screen his complaint before service on the defendants.

Pursuant to 28 U.S.C. § 1915A(b), the Court must dismiss the complaint, or any portion of the complaint, if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. Pro se complaints such as that filed by the plaintiff are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015) (internal quotation omitted).

Mr. Hollingsworth alleges in his complaint that Detective Hollingsworth violated his rights when he was charged with murder, felony murder, armed robbery, and possession of marijuana. He states that he was charged with these crimes on November 9, 2015. These claims appear to be the exact claims that Mr. Hollingsworth pursued in *Hollingsworth v. Kepler, et al.*, 1:17-cv-1694-JRS-DML. In that case, Mr. Hollingsworth sued Detective Kepler and others based on the same

prosecution he references in the complaint in this case. Those claims were dismissed through final

judgment on the merits on April 8, 2019.

This action cannot proceed if the Court is satisfied that it is malicious, meaning that it was

filed for the purpose of harassing the defendants. Lindell v. McCallum, 352 F.3d 1107, 1109 (7th

Cir. 2003). Suing individuals for claims that have already been resolved on the merits is malicious.

The Court notes that a motion for reconsideration is pending in the previously-resolved case. Such

a motion is the proper way to challenge the resolution of that case. Filing this new lawsuit based

on the same claims is not.

Based on the Court's screening of the plaintiff's complaint, the complaint is found to be

filed for the purpose of harassment because it presents the exact same claims that have recently

been resolved in another case in this Court. The complaint is dismissed. Mr. Hollingsworth shall

have through October 10, 2019, to show cause why this action should not be dismissed as

malicious and final judgment entered.

IT IS SO ORDERED.

Date: 9/11/2019

TANYA WALTON PRATT, JUDGE United States District Court

answ Walton Craft

Southern District of Indiana

Distribution:

SHAQUILLE HOLLINGSWORTH 200696 PUTNAMVILLE - CF PUTNAMVILLE CORRECTIONAL FACILITY

Inmate Mail/Parcels 1946 West U.S. Hwy 40

Greencastle, IN 46135